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19 Attorneys for IN-N-OUT BURGERS, a California Corp.

20 UNITED STATES DISTRICT COURT

21 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

22 IN-N-OUT BURGERS, a California  
23 Corporation,

24 Plaintiff,

25 v.

26 SAI M. ONG, an individual d/b/a  
27 “IN N OUT SMOG CHECK,” BO  
28 TRAN, an individual d/b/a “IN &  
OUT SMOG CHECK,” PHI L. LE,  
an individual d/b/a “IN-N-OUT

Case No. C07 05453 JL

Assigned for all purposes to the  
Honorable James Larson, Dept. F

**CASE MANAGEMENT  
STATEMENT**

**(Initial Case Management Conference)**

Date: January 30, 2008  
Time: 10:00 a.m.  
Dept.: F

1 SMOG CHECK,” MAN Q. DINH,  
2 an individual d/b/a “IN N OUT  
3 SMOG CHECK,”

4 Defendants.

5  
6  
7 Pursuant to the Court’s Order Setting Case Management Conference,  
8 Plaintiff IN-N-OUT BURGER (“INO BURGER”) submits the following initial  
9 case management statement:

10 (1) INO BURGER filed its complaint on October 25, 2007 against  
11 defendants SAI M. ONG, an individual d/b/a “IN N OUT SMOG CHECK”  
12 (“ONG”), BO TRAN, an individual d/b/a “IN & OUT SMOG CHECK” (“TRAN”),  
13 PHI L. LE, an individual d/b/a “IN-N-OUT SMOG CHECK” (“LE”), and MAN Q.  
14 DINH, an individual d/b/a “IN N OUT SMOG CHECK” (“DINH”) for state and  
15 federal Trademark Infringement, state, federal, and common law Unfair  
16 Competition, and dilution under California law.

17 In its complaint, INO BURGER alleged that Defendants ONG, TRAN, LE,  
18 and DINH have used and use marks and identifiers in connection with their  
19 respective businesses that infringe upon INO BURGER’S ten (10) Federal Service  
20 Mark and Trademark Registrations.

21 (2) All Defendants in the action have been served. None of the Defendants  
22 in the action are represented by counsel.

23 (3) INO BURGER has entered into settlement agreements with Defendants  
24 ONG, TRAN, and LE. INO BURGER filed a Notice of Settlement with the Court  
25 on January 7, 2008, informing the Court that INO BURGER intended to dismiss the  
26 action against all defendants within 30 days, pending execution of the settlement  
27 agreements.

1 On January 15, 2008, counsel for INO BURGER informed all Defendants of  
2 the initial case management conference scheduled for January 30, 2008.

3  
4 Dated: January 18, 2008

Respectfully submitted,

5  
6 By: \_\_\_\_\_/s/\_\_\_\_\_

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24  
25 Attorneys for IN-N-OUT BURGERS  
26  
27  
28

**PROOF OF SERVICE**

I am employed in the County of Orange, State of California, am over the age of 18 and not a party to the within action. My business address is Pepper Hamilton LLP, 5 Park Plaza, Suite 1700, Irvine, California 92614. I am over the age of 18 and not a party to the action. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing.

On the date set forth below, I served the foregoing documents described **Case Management Statement** on all interested parties in this action by placing ☐ the original ☒ a true copy thereof in a sealed envelope addressed as follows:

Bo Tran 1295 West San Carlos Street San Jose, CA 95113	Sai M. Ong 226 Phelan Avenue, #F San Jose, CA 95112
Phi L. Le 490 Keyes Street San Jose, CA 95112	Man Q. Dinh 3114 Dakan Court, Unit 3 San Jose, CA 95136

☒ **BY MAIL:** I am "readily familiar" with Pepper Hamilton's practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereof fully prepaid at Irvine, California, on that same day following ordinary business practices.

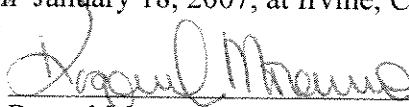
☐ **BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility regularly maintained by the overnight service carrier, or delivered such document(s) to a courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier with delivery fees paid or provided for, addressed to the person(s) being served.

☐ **BY PERSONAL SERVICE:** I caused to be personally delivered such envelope(s) directly to the person(s) being served.

☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (Federal) I declare under penalty of perjury under the laws of United States of America that the above is true and correct.

I declare that I am employed in the office of a member of the bar of this Court at whose direction this service was made. Executed on January 18, 2007, at Irvine, California.

  
Raquel Moreno

**PROOF OF SERVICE**